

DATE

Dr. Nikki Christ Honoré
8135 Albert Drive
Baton Rouge, Louisiana 70806

Re: **Louisiana Board of Ethics**
Docket No. 2021-077

Dear Dr. Honoré,

The Louisiana Board of Ethics, at its meeting on April 9, 2021, considered your request for an advisory opinion as to whether the Code of Governmental Ethics (“Code”) would prohibit you from operating two businesses: (1) Village Kidz Early Learning Center, LLC, and (2) Honoré Healthcare Consulting Group, LLC.

FACTS PROVIDED

You are currently employed as the Statewide Nurse Program Consultant for Emergency Preparedness for the Bureau of Community Preparedness in the Office of Public Health within the Louisiana Department of Health (“LDH”). In this role, you serve as Operations Section Chief for the Emergency Operations Center, which consists of officials and employees from various offices within LDH who act in response to emergency declarations. Among your public duties, you allocate financial and medical resources to regional emergency staff, provide nursing consultation in responses to emergencies, participate in strategic and long-range planning and implementation of public health programs, develop and conduct regional emergency staff risk management training, and implement continuing education programs for statewide public health staff.

1. VILLAGE KIDZ EARLY LEARNING CENTER, LLC

You plan to open Village Kidz Early Learning Center, LLC (“Childcare Center”) in the Fall of 2021. You will offer childcare services from birth to 12 years of age, Pre-K classes, before and after school care, parent education services, community preparedness events, and community job fairs and skills events. You also plan to offer vaccination clinics (COVID or influenza) for your childcare staff and workers. The Childcare Center requires certification and regulatory approvals annually from the Bureau of Sanitarian Services within LDH to ensure that the center adheres to the Louisiana Sanitary Code. The Childcare Center also requires certifications from the Louisiana Department of Education and the Office of the State Fire Marshal. You stated that you do not perform any work involving child care centers or sanitation certifications in your role as Statewide Nurse Program

Consultant for Emergency Preparedness. You ask whether the Code would prohibit you from obtaining the necessary certifications for the Childcare Center.

LAW

La. R.S. 42:1113A(1)(a): No public servant, or member of such a public servant's immediate family, or legal entity in which she has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

La. R.S. 42:1102(2)(a)(i) defines "agency," for public servants in the twenty principal departments of the executive branch of state government, to mean the office in which such public servant carries out his primary responsibilities.

La. R.S. 42:1102(8) defines "controlling interest" to mean any ownership in any legal entity, held by or on behalf of an individual or member of her immediate family, either individually or collectively, which exceeds twenty-five percent of that legal entity.

CONCLUSION

The Board concluded, and instructed me to inform you, that Section 1113 would not prohibit you from obtaining certifications from the LDH Bureau of Sanitation Services, the La. Dept. of Education, and the Office of the State Fire Marshal, since none of those certification applications would be under the supervision or jurisdiction of your agency, the Bureau of Community Preparedness within LDH.

2. HONORÉ HEALTHCARE CONSULTING GROUP, LLC

You operate Honoré Healthcare Consulting Group, LLC ("Healthcare Group") which provides health care training services such as health and safety and continuing education training for childcare facilities, childcare continuing education hour credits, American Heart Association Basic Life Support and pediatric CPR courses for healthcare and childcare providers, and mentoring/tutoring services for undergraduate and graduate nursing students. You are a certified La. Child Care Health Consultant through the LDH Bureau of Family Health; an independent La. Pathways trainer through Northwestern State University; and a trainer in American Heart Association Basic Life Support and CPR through Our Lady of the Lake Training Center.

You stated that you do not perform these types of child care training in your role as Statewide Nurse Program Consultant for Emergency Preparedness. You further stated that you would not provide any disaster training services in your private capacity as part of the Healthcare Group.

LAW

La. R.S. 42:1111C(1)(a): No public servant shall receive any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated.

CONCLUSION

The Board concluded, and instructed me to inform you, that Section 1111C(1)(a) would not prohibit you from providing compensated childcare education and training, since those services are not substantially related to the operations of your agency, the LDH Bureau of Emergency Preparedness, and you have not participated in providing those services in your public capacity as Statewide Nurse Program Consultant for Emergency Preparedness.

3. PROHIBITED SOURCES

La. R.S. 42:1111C(2)(d) provides that no public servant shall receive anything of economic value for, or in consideration of services rendered, or to be rendered, to or for any person: (1) who has, or is seeking to obtain, a contractual, business, or financial relationship with the public servant's agency; (2) who conducts operations or activities which are regulated by the public employee's agency; and (3) who has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

The Board instructed me to caution you that the Code will prohibit you from providing compensated services to any person who would be considered a prohibited source to you in your capacity as Statewide Nurse Program Consultant for Emergency Preparedness. If you have any concerns regarding a potential conflict of interest, the Board recommends you seek an additional advisory opinion regarding the specific situation.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

David M. Bordelon
For the Board